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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,969	10/02/2003	Hong-Ki Kim	123016-05004702	6294
23429 7590 03/01/2011 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314			EXAMINER HUYNH, BA	
			ART UNIT 2179	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,969

Applicant(s)

KIM ET AL.

Examiner

Ba Huynh

Art Unit

2179

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 37-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23, 37-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. **Claims 1-23, 37-54 are rejected under 35 U.S.C 103(a) as being unpatentable over Washington et al. (hereinafter Washington) U.S. Patent No. 6515682, in view of Gourdol et al. (hereinafter Gourdol) U.S. Patent application publication 2007/0209022, in further view of Kovarik US patent 5479497, further in view of Pham et al (hereinafter Pham) US patent 6820136.**

In regard to **Independent claim 1**, **Washington** teaches a computer implemented method and

corresponding apparatus of controlling an icon appearance of a display system having a display screen, comprising the steps/means for:

- Displaying an icon control window on the display screen, the icon control window including at least one sample icon for a user's preview (8:9-25, 8:40-63, figs 13, 18).
- Changing the at least one sample icon's appearance according to inputs for a new icon appearance being received from a user through the icon control window (8:9-25, 8:40-63, figs 13, 18).

Washington fails to teach changing of a plurality of icon appearance in response to user changing of the sample icon. However in the same field of the invention, Gourdol teaches changing a plurality of icon appearance in response to user changing of a sample icon (Gourdol's 0013, 0033, 0037, 0045, 0049). Both Washington and Gourdon teach storing the icon's property in a registry (Washington's 10:3-13, Gourdon's 0036). Thus generating a registry sub key in a memory of the display system if the display property parameter values are determined to be valid and storing the display properties in a corresponding registry for backing up the currently set property are inherently included in both Washington and Gourdol (*Note: The term "backing up" have been interpreted as being equivalent to "supporting", i.e., the new icon parameters are stored in the registry for backing up the modification.* In windowing system there is registry. The registry hold system configuration information Each item in a registry is designated as a registry key. A registry key can contain other subkeys which are child keys. See US patent 6820136). Alternatively, even if "backing up" is arguable to be interpreted as a second, duplicate copy of the parameter for back up (e.g., just in cases the primary information is lost or

destroyed), the implementation of back up subkey in the registry is disclosed by Pham (2:27-43, 3:38-55). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Pham teaching of backup subkey to Washington&Gourdon. Motivation of the combining is for backup protection as expressly suggested by Pham (5:40-43). Washington&Gourdon fail to clearly teach the determination of whether the display property parameter values are valid. However in the same filed of the invention, Kovarik teaches the determination of a user input parameter of a GUI element size (window size) is valid to the display screen area (8:25-53). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Kovarik's teaching of validation of the user input parameter to the display screen area to Washington&Gourdon's icon size. Motivation of the combining is for avoiding invalid input parameter.

- Changing the icon appearance of the plurality of icons in the display system by changing the display properties in accordance with the user inputs by changing the corresponding property parameter values (Washington's 8:9-25, 8:40-63, 9:1-3, figs 13, 18; Gourdol's 0013, 0033, 0037, 0045, 0049)
- wherein backing up the display properties occurs automatically in response to the inputs for a new icon appearance being received from the user according to the display options provides by the icon control window, and is performed immediately prior to changing the at least one sample icon's appearance (Washington's 8:47-49, 9:4-8; Pham's 2:34-37, 8:7-10).

With respect to **dependent claims 2**, Washington&Gourdol teach the method wherein the received inputs include at least one of an icon size, a vertical icon spacing, a horizontal icon spacing, an icon font size, and an icon font type (Washington's 8:9-25, 8:40-63, 9:1-3, figs 13, 18, Gourdol's 0013, 0033, 0037, 0045, 0049)..

With respect to **dependent claim 3**, Washington teaches the icon control window comprises an icon size controller providing a plurality selectable icon sizes for the user to select a desirable icon size by manipulating a slider (8:40-43) or by specifying an icon size in the property page (8:14-18), a preview region including the sample icon, the sample icon being resized when the desired icon size is selected through the icon size controller, an execution controller interfacing with the display system in order to change an icon size of the display system according to the selected icon size (see description of Washington's figs 13-18). Gourdol also teach a plurality of icon size selectable by the user (0010, 0030, 0037).

As for claims 4, 46: The icon size controller comprises a slider bar with maximum and minimum icon sizes operable to select a desired icon size (Washington's figs 13-18).

As for claims 5, 47: Since the slider is for controlling the size of the icon with the display, it would appears that the maximum and minimum icon sizes range of the slider is supported by the display system. Even if it is not, it would have been obvious to one of skill in the art to implement the slider such that the maximum and minimum icon sizes range of the slider is supported by the display system. Motivation of the implementation is for preventing invalid input.

As for claims 6, 48: Washington&Gourdol are silent regarding the selectable buttons representing the icon sizes, however Gourdol teach icon size can be specified by predefined values (0037). Implementation of selectable button representing an icon size would have been obvious in light of Gourdol. Motivation of the implementation is for providing graphical representations of the values of the icon sizes vs. numerical values.

As for claims 7, 49: In light of the reasoning set forth I the rejection of claim 6, it would have been obvious to one of skill in the art to implement the graphical button with toggle buttons for increasing/decreasing, etc...

With respect to **dependent claim 8**, Washington teaches the method wherein the icon control window comprises a plurality of manual input controllers manually receiving the inputs from the user; a preview region including the at least one sample icon, the sample icon's appearance being changed according to the manually received inputs; and an execution controller interfacing with the display system for changing the display properties in accordance with the received user inputs (8:9-25, 8:40-63, 9:1-3, figs 13, 18)

With respect to **dependent claim 9**, Washington teaches the method wherein the user inputs comprises at least one of an icon size, a vertical icon spacing, a horizontal spacing, an icon font size, and an icon font type (See the tool palette in figs 12-18).

With respect to **dependent claims 10-13, 50-52** Washington&Gourdon fail to clearly teach the determination of whether the display property parameter values are valid. However in the same filed of the invention, Kovarik teaches the determination of a user input parameter of a GUI element size (window size) is valid to the display screen area (8:25-53). It would have been

obvious to one of skill in the art, at the time the invention was made, to combine Kovarik's teaching of validation of the user input parameter to the display screen area to Washington&Gourdon's icon size. Motivation of the combining is for avoiding invalid input parameter. Thus if the display property parameter values are valid, the icon would be modified and displayed according to the new parameter.

With respect to **claims 14-22**, claims 14-22 reflect a system comprising computer readable instructions for performing the steps of method claims 1-9, are rejected along the same rationale.

With respect to **claim 23**, claim 23 reflects a computer product comprising computer readable instructions executed by a processor for performing the steps of method claim 1, is rejected along the same rationale.

With respect to **dependent claim 37**, Washington&Gourdol teach the method wherein the display properties include one of an icon size, a vertical icon spacing, a horizontal icon spacing, an icon font size and an icon font size (Washington's 8:9-25, 8:40-63, 9:1-3, figs 13, 18, Gourdol's 0013, 0033, 0037, 0045, 0049)..

With respect to **dependent claim 38**, The change in the sample icon's appearance is performed with respect to the backed-up display properties (Washington's 10:3-13, Gourdon's 0036).

With respect to **dependent claim 39**, it appears inherently included in Washington&Gourdol that the system comprises a display buffer for temporary storing display attribute. Even it is not,

implement the temporary storing of the icon properties prior to execution would have been obvious to one of skill in the art.

With respect to **dependent claim 40**, Washington&Gourdol&Pham teaches the OK, CANCEL, and APPLY BUTTONS (fig 13) for storing and restoring property parameter values to the backup display parameter value.

With respect to **dependent claim 41**, it appears inherently included in Washington&Gourdol that the system comprises a display buffer for temporary storing display attribute. Even it is not, implement the temporary storing of the icon properties prior to execution would have been obvious to one of skill in the art. Washington&Gourdol&Pham teaches the OK, CANCEL, and APPLY BUTTONS (fig 13) for storing and restoring property parameter values to the backup display parameter value.

With respect to **dependent claim 42**, in light of Kovarik, it would have been obvious to one of skill in the art to change the invalid parameter to a valid one before storing the parameter. indicated in the above discussion Wen in view of Straub teaches every element of claim 10.

As for claim 43: Claim 43 recites the similar limitation of claim 1 thus is rejected for the same rational.

As for claim 44: Washinto&Gourdol fail to clearly teach exactly one of the sample icons of the icon control window has a size identical to the current icon size of the display system. However implementation of different icon size for each of the icon would have been an obvious design preference (Note: the limitation “sample icon” is being mapped to an icon among Gourdol’s

group of icons that being modified. In Gourdol, the user selects an icon from the group for modification as a sample. The modification affects all icons within the group).

As for claim 45: The preview window is disclosed by Washington in fig 13-18. The preview region comprises a copy of the selected sample icon. In Gourdol, the user selects an icon from the group for modification as a sample. The modification affects all icons within the group.

With respect to **dependent claim 53**, In Washington, the change in the sample icon's appearance in the preview window (8:50-63).

With respect to **dependent claim 54**, Washington&Gourdol teaches the method wherein the icon control window comprises:

an icon appearance controller that receives the user inputs for a new icon appearance, a preview region that includes the at least one sample icon, the appearance of the sample icon being automatically changed in response to the user inputs received through the icon appearance controller; an execution controller that interfaces with the display system and receives the user inputs to change the icon appearance of the display system (Washington's 8:9-25, 8:40-63, 9:1-3, figs 13, 18, Gourdol's 0013, 0033, 0037, 0045, 0049), wherein the icon appearance of the display system is changed only in response to the user inputs received through the execution controller and not in response to the user inputs received through the icon appearance controller (Washington's 8:50 -9:17).

A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples. It is well settled that a

prior art reference, in its entirety, must be considered for all that it expressly teaches and fairly suggests to one having ordinary skill in the art. Stated differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not intended to exclusively dictate, but rather, to demonstrate an exemplary disclosure commensurate with the specific limitations being addressed. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)). In re: Upsher-Smith Labs. v. Pamlab, LLC, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); In re Fritch, 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); Merck & Co. v. Biocrraft Labs., Inc., 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); In re Fracalossi, 681 F.2d 792, 794 n.1, 215 USPQ 569, 570 n.1 (CCPA 1982); In re Lamberti, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976); In re Bozek, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ba Huynh/

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Primary Examiner, Art Unit 2179